

**Statement of the Honorable Fred Upton**  
**Chairman, Committee on Energy and Commerce**  
**Markup of H.R. 1633, H.R. 1173, H.R. 3309, and H.R. 3310**  
**November 29, 2011**  
*(As Prepared for Delivery)*

Today we're here to begin consideration of four bills – four more in a long line of legislation this panel has carefully drafted, reviewed, debated, and advanced this year. Both sides have not always agreed on the outcome, but I am proud of the Energy and Commerce Committee's hard work this year – and before anyone things we're wrapping it up, let me assure you, we're going to keep working just as hard and being just as productive as long as Congress is in session.

This week the full committee takes up four bills with a common theme: a government that works. A government that fosters job creation, instead of stifling it.

We'll begin with H.R. 1633, the Farm Dust Regulation Prevention Act. This is a common-sense bill with 117 co-sponsors from both parties. I would especially like to thank Representative Kristi Noem for her leadership on this issue, along with Reps. Boswell, Hurt, and Kissell for their work.

H.R. 1633 achieves two important goals: regulatory certainty in the short term, and common sense for rural America in the long-term. The bill maintains the current coarse particulate matter standard for one year – a position Lisa Jackson has embraced with her plans to propose maintaining the standard – and it offers regulatory relief to rural America by recognizing that states and local communities are better equipped to monitor and control farm dust. EPA would no longer be in the business of regulating rural dust except in cases where it is not already being regulated and the benefits of EPA regulation outweigh the costs.

I have here a sampling of the letters we have received that clearly explain the need for this legislation. Letters from the Imperial County Board of Supervisors and the Imperial County Farm Bureau discuss EPA's efforts to impose additional new dust control measures in their community. A letter from the Arizona Cattlemen's Association explains the cost and consequences of current dust regulation on livestock producers. Finally, I have a letter signed by more than 185 organizations representing farmers, ranchers, growers, meat and dairy producers, and rural businesses across the nation – these organizations continue to believe this bill is necessary to offer regulatory certainty, and I welcome their support. I request unanimous consent to insert these letters into the record.

The Farm Dust Regulation Prevention Act is about certainty, and so is the second bill we'll take up, H.R. 1173, the Fiscal Responsibility and Retirement Security Act. This bill permanently repeals the unsustainable CLASS program, eliminating an accounting gimmick that was designed to obscure the true cost of the president's health care law.

Sadly, none of us was surprised when HHS announced that it could not implement the CLASS program. Well before it was signed into law, actuaries and policy experts questioned the viability of the program, with one HHS staffer suggesting the program seemed like "a recipe for disaster." But it made it into the health care law anyway, giving the false impression that the law cost \$80 billion less than it actually did.

I believe we have to start over on long-term care reform – an issue that will affect millions of Americans as they or a loved one need care. But first, we must erase a program that we know will not work; a program that was never structured to work, and that we could never afford. That is why we must permanently repeal the CLASS program.

To create a government that works, we must both eliminate what's broken – as we are doing with the CLASS Act – and we must also encourage what works well. Our third and fourth bills look to reform the processes of the Federal Communications Commission. Given the FCC's role as the federal regulator of the communications and technology sector – one of the largest drivers of our economy and one that continues to create high-quality jobs despite the sluggish national economy – it is imperative that the FCC operate in a transparent and accountable manner that encourages job creation, investment, and innovation.

A number of process disputes have arisen in recent years. This has happened under multiple chairmen, and no one seeks to lay blame with one party or another. Our goal is simply to remove the controversy around process and make sure a framework is in place to foster the strongest product. In fact, one such process dispute is underway currently regarding the proposed AT&T and T-Mobile merger. Now that the matter is under consideration by the Department of Justice and AT&T has withdrawn its petition, I question the value of the FCC moving forward until the litigation is resolved.

Chairman Greg Walden led the GOP transition, and one of his top priorities was to make Congress more open and transparent. Now, he's working to do the same thing for the FCC, and I applaud him in that effort.

Together, these bills embrace the principles of good government. Regulate sensibly. Enact programs we can afford, and repeal those we cannot. Encourage transparency, predictability, and fairness. I encourage all of my colleagues to support these bills.